



GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE ESTADO



August 14, 2022

Cristina Arenas Solis
221 Ponce de León Avenue Piso 5
San Juan, PR 00917

SUBJECT MATTER
MARK
CLASS
FILING NUMBER
FILING DATE
APPLICANT

Office Action
HAMILTON
MEDICAL
010
246219-10-0
November 29, 2021
Hamilton Germany GmbH

To whom it may concern:

In order to proceed with the examination of the said mark Applicant must submit the following information:

- | | |
|---------------|--|
| <u> x </u> | 1. State clearly the goods or services in connection with the mark as used or intended to be used in commerce in Puerto Rico. This applies if the Applicant customized the selection of goods or services. |
| <u> </u> | 2. Provide a drawing of the mark as used or as intended to be used in commerce in Puerto Rico. |
| <u> x </u> | 3. Provide a detailed description of the mark as used or as intended to be used in commerce in Puerto Rico. |
| <u> </u> | 4. Provide a specimen that shows the mark in connection with the goods or services identified in your application. |
| <u> </u> | 5. Applicant must disclaim those terms or components of the mark which are not susceptible of exclusive appropriation. |
| <u> </u> | 6. Others. |
| <u> </u> | 1. The registration for the applied mark is refused on the following grounds: |

OFFICE ACTION

The P.R. Trademark Office (the "PRTO") has reviewed its records and has determined that there are no similar or pending marks that would bar registration of this mark under the P.R. Trademark Act. However, in order to proceed with the examination of the mark, the PRTO requires the Applicant to amend the application as follows:

Description of Goods is Overly Broad:

Rule 20 of the Trademark Registry Procedure Code of the Department of State for The Commonwealth of Puerto Rico (hereinafter, the Rules) provides that applications for registration of trademarks must include a list of the goods or services in relation to which a Trademark registration is desired.

An application of a mark must specify the goods or services on or in connection with which the Applicant uses, the mark in commerce. The identification should set forth common names, using terminology that is generally understood. The identification of goods or services must be specific, definite, clear, accurate, and concise. See *In re Societe Generale des Eaux Minerales de Vittel S.A.*,¹ USPQ2d 1296 (TTAB 1986), reversed on other grounds, 824 F.2d 957 (Fed. Cir. 1987); *Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972), modified without opinion, 498 F.2d 1406 (C.C.P.A. 1974); *In re Cardinal Laboratories, Inc.*, 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.*, 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte A.C. Gilbert Co.*, 99 USPQ 344 (Comm'r Pats. 1953).

The wording: "Medical, dental, veterinary, medical electric and surgical apparatus and instruments; medical respiratory apparatus; anaesthetic apparatus; respirators for artificial respiration; patient ventilation instruments; respiratory apparatus for intensive care units; asphyxial neonates respirators; humidifiers for artificial respiration apparatus; humidification chambers for artificial respiration apparatus; connectors for humidifiers, humidification chambers and nebulisers being parts for medical apparatus; fasteners for humidifiers and nebulisers being part of medical apparatus; humidifiers for medical purposes and medical treatments; humidifiers for use with respiratory apparatus; humidifiers for use in medical treatment; humidifiers for use with respiratory therapy apparatus; water refill tubes for humidification chambers for medical purposes and medical treatments; water refill tubes for humidifiers for use with respiratory treatment apparatus; artificial noses for medical purposes; protective nose masks for medical use; nasal prongs, all being for medical purposes; nose masks for artificial respiration for medical purposes; respiratory masks for artificial respiration; respiratory masks for respiratory assistance for medical purposes; masks for non-invasive respiration; anaesthesia face masks; nasal prongs for newborns and adults; face masks for medical use; sets of respiratory tubes for respiratory apparatus; single-use sets of respiratory tubes for respiratory apparatus; autoclavable sets of respiratory tubes; breathing tubes, in particular tubes being accessories for respiration and anaesthesia; respiratory tubes; surface-heated respiratory tubes; endotracheal tube cuffs for medical purposes; inflatable endotracheal tube cuffs for artificial respiration for medical purposes; cuff pressure monitors; apparatus and equipment for measuring, monitoring and adjustment of pressure in endotracheal tube cuffs for medical purposes; apparatus and devices for measuring and monitoring transpulmonary pressure; soda lime cartridges for medical use; heat and moisture filters for respiratory apparatus; valves for respiration apparatus; expiration valves being part of medical apparatus; expiration valves for medical respiratory apparatus; expiration valves for maintaining lung pressure; peep activators being parts of medical ventilators for maintaining pressure; pressure reducers for medical purposes; pressure reducers for medical respirators; measuring cuvettes for medical purposes for determining the carbon dioxide content of the air exhaled by a human, and for analysis of the air flow; sensors for medical purposes; sensors for measuring respiratory flow and breath pressure; sensors for measuring oxygen saturation in the blood; carbon dioxide (CO₂) sensors for medical purposes; fraction of inspired oxygen (FiO₂) sensors; pulse oximeter oxygen saturation (SpO₂) sensors for medical purposes, flow sensors for medical purposes;

neuromuscular transmission (NMT) sensors for medical purposes; sensors for respiratory mechanisms; sensors for measuring the pressure in inflatable endotracheal tube cuffs for artificial respiration for medical purposes; sensors for measuring transpulmonary pressure for medical purposes; temperature indicators for medical purposes; temperature measuring instruments for medical use; temperature scanners for medical use; temperature monitors for medical use; electronic temperature monitors for medical use; electronic temperature recorders for medical use; temperature regulation instruments for medical purposes; temperature sensors for medical use; medical skin sensors and disposable sensors for temperature measurement; sensors for measuring the temperature of breathing air for use in medical respiratory apparatus; temperature probes for medical purposes; sensors for measuring the humidity of breathing air for use in medical respiratory apparatus; optical temperature measuring instruments for medical inspection purposes; optical fibre temperature probes for medical diagnostic use; temperature-sensitive test instruments and test apparatus for medical purposes; optical scanners for medical inspection purposes; optical sensors for water level detection in humidification chambers for medical respiratory apparatus; electrodes for use with medical apparatus; electrodes for medical use; electrodes for picking up biological parameters for medical use; non-selective electrodes being chemically sensitive probes [for medical use]; electrocardiography (ECG) electrodes; disposable and reusable electrocardiography (ECG) cables for medical use; neuromuscular transmission (NMT) adapters for medical purposes; neuromuscular transmission (NMT) electrode cables for medical purposes; nasal cannula; sprayers for medical purposes; portable nebulisers for medical purposes; pumps for medical purposes; compresses for medical use; filters for medical purposes for purifying breathing air; membranes for filtration [medical]; bacteria filters; water traps being parts and/or accessories for medical apparatus; mechanical filters for respiration apparatus; airway adapters being parts of medical and surgical apparatus; filters for respiration systems; connectors for filters for respiration systems; tube extensions for breathing tubes; breathing bags; test lung; manual respiration bags; humidification chambers for breathing tube systems; tube heaters being part of medical apparatus; adapters for tube heaters being part of medical apparatus; tube clips being part of medical apparatus; tube connections being part of medical apparatus; compressed air installations and systems for medical purposes, consisting of apparatus and fixed devices for preparing, checking and providing medical compressed air; gas supply installations and systems for medical purposes, consisting of apparatus and fixed devices for preparing, checking and providing gases for medical purposes; vacuum regulators for medical purposes; spirometers for medical use; spirometry apparatus; medical tubing; compressed air tubes for medical purposes; tube systems, consisting of tubes for medical purposes, in particular tubes for anaesthesia, respiratory tubes and tubes for medical suction, tube adapters, valves, connections and accessories; surface-heated respiratory tube systems; filters for medical use; pipetting instruments for medical use; medical syringes; medical syringe needles; syringe pumps for medical purposes; septa for medical purposes; analysers for medical use; apparatus for use in medical analysis for conducting analyses on blood of human origin; spirometers; measuring devices for medical use; measuring instruments adapted for medical use; apparatus for measuring cardiac, circulatory, aspiratory and pulmonary functions; testing instruments for medical purposes; sphygmomanometers; blood pressure monitors; heart rate monitors for medical purposes; heart rate counters for medical purposes; manual probe heads for medical purposes; medical apparatus and instruments for primary care and stabilisation of newborns; air temperature sensors for incubators for medical purposes; air inlet filters for incubators for medical purposes; oxygen (O₂) distributors for incubators for medical purposes; dispensers for administering and selecting reagent instruments for medical use; apparatus for measuring body signals in connection with patient analysis; patient monitoring instruments, patient monitoring alarms and patient monitoring sensors; apparatus and instruments for monitoring patients, in

particular patient monitoring apparatus, patient monitoring sensors and alarms; alarm management systems for patient monitoring, consisting of patient monitoring apparatus, patient monitoring alarms and/or software for patient monitoring apparatus and patient monitoring alarms; gas emergency signal monitors for monitoring medical gases and gas installations in hospitals; clinical information systems for monitoring patients, consisting of patient monitoring apparatus and patient monitoring alarms; systems for monitoring patient data, consisting of patient monitoring apparatus and patient monitoring alarms; medical testing systems for medical use, consisting of testing apparatus for testing the function of medical apparatus and analysers or diagnostic apparatus for medical apparatus; medical analysis apparatus for use in laboratories; medical imaging apparatus; monitor holders being accessories for medical apparatus and medical furniture; precision instruments for medical purposes; analysis robots for medical purposes; containers especially made for medical waste; containers especially adapted for the disposal of medical instruments, syringes and other contaminated medical waste; heating plates for humidifiers for use with medical respiratory apparatus; probes for medical purposes; freezing installations for medical purposes; parts and accessories for all the aforesaid goods, included in this class.." under International Class 010, contains language that isn't specific enough therefore, resulting in a broad description of the products.

The Registry has discretion to require the degree of specificity necessary to identify the goods or services in relation to which the mark is used in the commerce of Puerto Rico.

The applicant may adopt the following recitation of goods, if accurate:

Class 010

Medical, dental, veterinary, medical electric and surgical apparatus and instruments **{indicate specific purpose and/or type of good, i.e., in the nature of surgical apparatus and instruments}**; medical respiratory apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of electric vaporizer for upper respiratory conditions}**; anaesthetic apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of Anaesthetic masks}**; respirators for artificial respiration; patient ventilation instruments **{indicate specific purpose and/or type of good, i.e., in the nature of Medical apparatus, namely, invasive and non-invasive ventilation apparatus and instruments}**; respiratory apparatus for intensive care units **{indicate specific purpose and/or type of good, i.e., in the nature of respirators for artificial respiration}**; asphyxial neonates respirators **{indicate specific purpose and/or type of good because respirators other than for artificial respiration is in class 9, i.e., in the nature of Respirators for artificial respiration}**; humidifiers for artificial respiration apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of Humidifiers for medical use}**; humidification chambers for artificial respiration apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of humidification chambers for artificial respiration apparatus for medical use}**; connectors for humidifiers **{indicate specific purpose and/or type of good, i.e., in the nature of connectors specially adapted for humidifiers for medical use}**, humidification chambers and nebulisers being parts for medical apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of humidification chambers and nebulisers specially adapted for medical apparatus, namely, Humidifiers for medical use}**; fasteners for humidifiers and nebulisers being part of medical apparatus **{indicate specific purpose and/or type of good, i.e., in the nature of fasteners for humidifiers and nebulisers and specially**

adapted for medical apparatus, namely, Humidifiers for medical use}; humidifiers for medical purposes and medical treatments {indicate specific purpose and/or type of good, i.e., in the nature of Humidifiers for medical use}; humidifiers for use with respiratory apparatus {indicate specific purpose and/or type of good, i.e., in the nature of Humidifiers for medical use}; humidifiers for use in medical treatment {indicate specific purpose and/or type of good, i.e., in the nature of Humidifiers for medical use}; humidifiers for use with respiratory therapy apparatus {indicate specific purpose and/or type of good, i.e., in the nature of Humidifiers for medical use}; water refill tubes for humidification chambers for medical purposes and medical treatments {indicate specific purpose and/or type of good, i.e., in the nature of water refill tubes specially adapted for humidification chambers for medical use}; water refill tubes for humidifiers for use with respiratory treatment apparatus {indicate specific purpose and/or type of good, i.e., in the nature of water refill tubes specially adapted for Humidifiers for medical use}; artificial noses for medical purposes; protective nose masks for medical use; nasal prongs, all being for medical purposes; nose masks for artificial respiration for medical purposes; respiratory masks for artificial respiration; respiratory masks for respiratory assistance for medical purposes; masks for non-invasive respiration {indicate specific purpose and/or type of good, i.e., in the nature of respiratory masks for artificial respiration}; anaesthesia face masks {indicate specific purpose and/or type of good, i.e., in the nature of Face masks for use by health care providers}; nasal prongs for newborns and adults {indicate specific purpose and/or type of good, i.e., in the nature of nasal prongs for medical use}; face masks for medical use; sets of respiratory tubes for respiratory apparatus {indicate specific purpose and/or type of good, i.e., in the nature of sets of respiratory tubes for medical purposes}; single-use sets of respiratory tubes for respiratory apparatus {indicate specific purpose and/or type of good, i.e., in the nature of sets of respiratory tubes for medical use}; autoclavable sets of respiratory tubes {indicate specific purpose and/or type of good, i.e., in the nature of autoclavable sets of respiratory tubes for medical purposes}; breathing tubes, in particular tubes being accessories for respiration and anaesthesia {indicate specific purpose and/or type of good, i.e., in the nature of breathing tubes for medical purposes}; respiratory tubes {indicate specific purpose and/or type of good, i.e., in the nature of respiratory tubes for medical purposes}; surface-heated respiratory tubes {indicate specific purpose and/or type of good, i.e., in the nature of respiratory tubes for medical purposes}; endotracheal tube cuffs for medical purposes; inflatable endotracheal tube cuffs for artificial respiration for medical purposes; cuff pressure monitors {indicate specific purpose and/or type of good, i.e., in the nature of cuff pressure monitors for medical purposes}; apparatus and equipment for measuring, monitoring and adjustment of pressure in endotracheal tube cuffs for medical purposes; apparatus and devices for measuring and monitoring transpulmonary pressure for medical purposes; soda lime cartridges for medical use; heat and moisture filters for respiratory apparatus for medical purposes; valves for respiration apparatus for medical purposes; expiration valves being part of medical apparatus for medical purposes; expiration valves for medical respiratory apparatus for medical purposes; expiration valves for maintaining lung pressure for medical purposes; peep activators being parts of medical ventilators for maintaining pressure for medical purposes; pressure reducers for medical purposes; pressure reducers for medical respirators for medical purposes; measuring cuvettes for medical purposes for determining the carbon dioxide content of the air exhaled by a human, and for analysis of the air flow; sensors for

medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Electrochemical sensors for determination of analyte concentrations in fluids for medical purposes}**; sensors for measuring respiratory flow and breath pressure **for medical purposes**; sensors for measuring oxygen saturation in the blood **for medical purposes**; carbon dioxide (CO₂) sensors for medical purposes; fraction of inspired oxygen (FiO₂) sensors **for medical purposes**; pulse oximeter oxygen saturation (SpO₂) sensors for medical purposes; flow sensors for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Medical devices, namely, patient monitors and patient sensors for monitoring and measuring blood properties and respiratory events}**; neuromuscular transmission (NMT) sensors for medical purposes; sensors for respiratory mechanisms **for medical purposes**; sensors for measuring the pressure in inflatable endotracheal tube cuffs for artificial respiration for medical purposes; sensors for measuring transpulmonary pressure for medical purposes; temperature indicators for medical purposes; temperature measuring instruments for medical use; temperature scanners for medical use; temperature monitors for medical use; electronic temperature monitors for medical use; electronic temperature recorders for medical use; temperature regulation instruments for medical purposes; temperature sensors for medical use; medical skin sensors and disposable sensors for temperature measurement **for medical use**; sensors for measuring the temperature of breathing air for **medical** use in medical respiratory apparatus; temperature probes for medical purposes; sensors for measuring the humidity of breathing air for **medical** use in medical respiratory apparatus; optical temperature measuring instruments for medical inspection purposes; optical fibre temperature probes for medical diagnostic use; temperature-sensitive test instruments and test apparatus for medical purposes; optical scanners for medical inspection purposes; optical sensors for water level detection in humidification chambers for medical respiratory apparatus **for medical use**; electrodes for **medical** use with medical apparatus; electrodes for medical use; electrodes for picking up biological parameters for medical use; non-selective electrodes being chemically sensitive probes for medical use; electrocardiography (ECG) electrodes **for medical use**; disposable and reusable electrocardiography (ECG) cables for medical use; neuromuscular transmission (NMT) adapters for medical purposes; neuromuscular transmission (NMT) electrode cables for medical purposes; nasal cannula **{indicate specific purpose and/or type of good, i.e., in the nature of Oxygen nasal cannula clamps for securing medical tubing}**; sprayers for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Sprayers for cleaning gums and teeth used in dentists' offices during dental procedures}**; portable nebulisers for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Drug delivery systems}**; pumps for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Vacuum pumps for medical purposes}**; compresses for medical use **{indicate specific purpose and/or type of good, i.e., in the nature of Compression garments}**; filters for medical purposes for purifying breathing air; membranes for filtration medical **{indicate specific purpose and/or type of good, i.e., in the nature of Artificial tympanic membranes}**; bacteria filters **{indicate specific purpose and/or type of good, i.e., in the nature of Blood filters}**; water traps being parts and accessories **specially adapted** for medical apparatus **for medical use**; mechanical filters for respiration apparatus for medical use; airway adapters being parts of medical and surgical apparatus **for medical purposes**; filters for respiration systems for **medical purposes**; connectors for filters for respiration systems **for medical use**;

tube extensions for breathing tubes for medical use; breathing bags {indicate specific purpose and/or type of good, i.e., in the nature of Compression garments}; test lung {indicate specific purpose and/or type of good, i.e., in the nature of Portable medical devices used for breathing exercises, namely, portable devices used for endogenous breathing exercises and for respiratory muscle training}; manual respiration bags {indicate specific purpose and/or type of good, i.e., in the nature of Portable medical devices used for breathing exercises, namely, portable devices used for endogenous breathing exercises and for respiratory muscle training}; humidification chambers for breathing tube systems for medical purposes; tube heaters being part of medical apparatus for medical purposes; adapters for tube heaters being part of medical apparatus {indicate specific purpose and/or type of good, i.e., specify common commercial name of good}; tube clips being part of medical apparatus {indicate specific purpose and/or type of good, i.e., in the nature of Clips, surgical }; tube connections being part of medical apparatus {indicate specific purpose and/or type of good, i.e., in the nature of Medical ventilator tubing and tubing connectors}; compressed air installations and systems for medical purposes, consisting of apparatus and fixed devices for preparing, checking and providing medical compressed air; gas supply installations and systems for medical purposes, consisting of apparatus and fixed devices for preparing, checking and providing gases for medical purposes; vacuum regulators for medical purposes; spirometers for medical use; spirometry apparatus {indicate specific purpose and/or type of good, i.e., in the nature of spirometers }; medical tubing {indicate specific purpose and/or type of good, i.e., in the nature of Medical ventilator tubing and tubing connectors }; compressed air tubes for medical purposes {indicate specific purpose and/or type of good, i.e., in the nature of Medical ventilator tubing and tubing connectors }; tube systems, consisting of tubes for medical purposes, in particular tubes for anaesthesia, respiratory tubes and tubes for medical suction, tube adapters, valves, connections and accessories {indicate specific purpose and/or type of good, i.e., all in the nature of Medical ventilator tubing and tubing connectors}; surface-heated respiratory tube systems {indicate specific purpose and/or type of good, i.e., all in the nature of Medical devices for monitoring respiratory events}; filters for medical use {indicate specific purpose and/or type of good, i.e., all in the nature of Air filters for medical ventilators}; pipetting instruments for medical use {indicate specific purpose and/or type of good, i.e., all in the nature of Dropping pipettes for medical purposes }; medical syringes; medical syringe needles in the nature of medical syringes; syringe pumps for medical purposes {indicate specific purpose and/or type of good, i.e., all in the nature of Medical devices, namely, infusion pumps for delivering measured amounts of solutions into the bloodstream over time}; septa for medical purposes {indicate specific purpose and/or type of good, i.e., specify common commercial name of good}; analysers for medical use {indicate specific purpose and/or type of good, i.e., in the nature of Medical instruments for analysing and identifying bacteria}; apparatus for use in medical analysis for conducting analyses on blood of human origin; spirometers; measuring devices for medical use {indicate specific purpose and/or type of good, i.e., in the nature of Pulse measuring devices}; measuring instruments adapted for medical use {indicate specific purpose and/or type of good, i.e., in the nature of Pulse measuring devices}; apparatus for measuring cardiac, circulatory, aspiratory and pulmonary functions for medical use; testing instruments for medical purposes {indicate specific purpose and/or type of good, i.e., in the nature of

Sensory testing instruments, namely, aesthesiometers}; sphygmomanometers; blood pressure monitors; heart rate monitors for medical purposes; heart rate counters for medical purposes; manual probe heads for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Ultrasound probe for medical use}**}; medical apparatus and instruments for primary care and stabilisation of newborns **{indicate specific purpose and/or type of good, i.e., in the nature of Warming device for stabilizing infant body temperature for medical purposes}**}; air temperature sensors for incubators for medical purposes; air inlet filters for incubators for medical purposes; oxygen (O₂) distributors for incubators for medical purposes; dispensers for administering and selecting reagent instruments for medical use; apparatus for measuring body signals in connection with patient analysis **{indicate specific purpose and/or type of good, i.e., in the nature of Devices for measuring intracranial pressure }**; patient monitoring instruments, patient monitoring alarms and patient monitoring sensors **{indicate specific purpose and/or type of good, i.e., in the nature of Health monitoring devices consisting of blood pressure monitors, thermometers and pedometers }**; apparatus and instruments for monitoring patients, in particular patient monitoring apparatus, patient monitoring sensors and alarms **{indicate specific purpose and/or type of good, i.e., all in the nature of Patient monitoring sensors and alarms}**; alarm management systems for patient monitoring, consisting of patient monitoring apparatus, patient monitoring alarms and software for patient monitoring apparatus and patient monitoring alarms **{indicate specific purpose and/or type of good, i.e., all in the nature of Medical devices for monitoring oxymetry, gas analysis, vital signs, blood properties and respiratory events and software sold as a unit therewith}**; gas emergency signal monitors for monitoring medical gases and gas installations in hospitals **being an integral component of Breath gas analyzers for medical diagnostics**; clinical information systems for monitoring patients, consisting of patient monitoring apparatus and patient monitoring alarms **{indicate specific purpose and/or type of good, i.e., all in the nature of Integrated medical examination systems comprising medical devices and computer software for information management for use in web-based physical examination and assessment of patients in a remote, clinical setting}**; systems for monitoring patient data, consisting of patient monitoring apparatus and patient monitoring alarms **{indicate specific purpose and/or type of good, i.e., all in the nature of Integrated medical examination systems comprising medical devices and computer software for information management for use in web-based physical examination and assessment of patients in a remote, clinical setting}**; medical testing systems for medical use, consisting of testing apparatus for testing the function of medical apparatus and analysis and diagnostic apparatus for medical apparatus all being an integral component of **Apparatus for DNA and RNA testing for medical purposes**; medical analysis apparatus for use in laboratories **{indicate specific purpose and/or type of good, i.e., in the nature of Medical diagnostic instruments for the analysis of body fluids}**; medical imaging apparatus; monitor holders **for medical purposes specially adapted** as accessories for medical apparatus and medical furniture; precision instruments for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Scalpels}**; analysis robots for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of Medical robots for use in cognitive therapy for children}**; containers especially made for medical waste; containers especially adapted for the disposal of medical instruments, syringes and other contaminated medical waste; heating plates for

humidifiers for use with medical respiratory apparatus **for medical use**; probes for medical purposes; freezing installations for medical purposes **{indicate specific purpose and/or type of good, i.e., in the nature of {specify common commercial name of good}}**; parts and accessories for all the aforesaid goods, included in this class, **and all the aforesaid goods are for medical use**".

* Note that these suggestions are illustrative and not exhaustive.

Applicant is advised to examine the International Classification of Goods and Services established under the Nice Agreement, Tenth Edition, to describe the products or services that are used commercially in Puerto Rico. See <http://www.wipo.int/classifications/nice/es/>.

Note that Rule 33 of the Rules provides that the applicant may amend his application during the review of the application, when required by the Examining Attorney or other official reasons. The applicant may amend his application to clarify or limit, but not to extend the identification of goods or services. Given the above, the Examining Attorney requires that the applicant modify and amend its application for renewal as indicated in this Office Action or otherwise show cause why this amendment is not necessary.

Complete Description of the Mark Required

The description of the mark is incomplete because it does not describe all the significant aspects of the applied-for mark. Specifically, most of the design elements in the mark have not been included in the description. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies literal elements as well as any design elements. See Rule 16 of the Puerto Rico Trademark Office Regulation of 2011.

Therefore, applicant must provide a more complete description of the applied-for mark.

The following is suggested: **"The mark consists of the stylized wording, "HAMILTON MEDICAL" with the word, "MEDICAL" appearing below the word, "HAMILTON" but also in front of the word, "HAMILTON" with the letter, "O" in the word, "HAMILTON" appearing as a small stylized letter, "H" with a cross though the end of the stylized letter, "H" within a shaded circle."**

In light of the aforementioned, the Examiner requires the Applicant to modify and/or amend the application for registration as provided herein or, otherwise, show cause why such modification is not required.

According to Rule 36 of Puerto Rico's Trademark Rules of Procedure amendments filed must be specified in a written and signed statement by the Applicant or its Representative. Neither Applicant nor its Representative shall rewrite, alter, modify, erase or include words in a pending application. However, the Puerto Rico Trademark Office (PRTTO) may amend the said application with the Applicant's consent.

According to Rule 27 of Puerto Rico's Trademark Rules of Procedure, if the PRTTO does not receive a response to the abovementioned remarks within ninety **(90) days**, the Application shall be considered abandoned.

Note: Please refer to the name of the Examining Attorney. The office action response shall be filed online at <https://prtmfiling.f1hst.com/> using the transaction office action response. The cost for the said filing is **\$15.00**. If you have any questions via email to jpagan@estado.pr.gov

Cordially,



Julio J. Pagán Pérez
Examining Attorney
Puerto Rico Trademark Office